IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 930 of 2001

in

SPECIAL CIVIL APPLICATIONNo 9889 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT
and
Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUJARAT GAS CO LTD

Versus

NAVNITBHAI VALAJIBHAI PATEL

Appearance:

1. LETTERS PATENT APPEAL No. 930 of 2001

MR KIRAN C RAVAL for Appellant No. 1

MR BG JANI for Respondent No. 1

CORAM : MR.JUSTICE J.N.BHATT
and
MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 18/03/2002

ORAL JUDGEMENT

(Per : MR.JUSTICE J.N.BHATT)

1. During the course of submissions before us, learned advocates appearing for the parties have consensually suggested the following course, which we approve so as to see that the very design and desideratum of holding the departmental inquiry is fully observed.

2. The impugned judgment and order of the Labour Court, Surat in Reference No. 177/1995 is quashed and set aside and is substituted by the following directions:-

The petitioner authority is directed to conduct departmental inquiry de-novo in accordance with rules and law applicable to the inquiry and obviously therefore, the finding and conclusion with regard to the misconduct shall stand quashed, but not the order of suspension which was interior to the passing of the impugned order by the petitioner after conclusion of the departmental inquiry. We further clarify that until the conclusion of the departmental inquiry, the suspension order shall remain operative and it will be subject to the out come that may follow in the domestic inquiry. We also record our appreciation for the assurance given by the learned advocate for the petitioner that the domestic inquiry de-novo as directed shall be conducted as expeditiously as possible in view of the fact that it originally came to be initiated in 1995 and the assurance given by the learned advocate of the respondent - workman that the workman shall cooperate with the inquiry proceedings and will attend the proceedings as and when intimated. Upon consensus the inquiry is ordered to be concluded by the end of July 2002.

3. In the result, the out come of the inquiry conducted by the petitioner and the resultant direction in the Reference by the Labour Court in the impugned judgment shall stand quashed. Upon joint request, it is further clarified that now there would not survive any proceedings before the Labour Court pending reference, as the departmental inquiry denovo has been directed.

In view of the aforesaid directions, the Letters Patent Appeal is disposed of. Since the aforesaid directions have been issued upon consensus, there shall be no order as to costs.

[J.N. BHATT, J.]

[AKSHAY H. MEHTA, J.]

* Pansala.